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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,855	02/20/2004	Takasi Kumagai	P-8116	7643
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EXAMINER				
HU, KANG				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/783,855

Applicant(s)

KUMAGAI, TAKASI

Examiner

KANG HU

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Final rejection mailed on January 7, 2008 was improperly made final. The previous office is hereby vacated. The finality of the previous office action has been withdrawn. Claims 1-24 are currently pending in the application.

Specification

2. The disclosure is objected to because of the following informalities: Claim 1 recites "the game machine including a **photographing request input device**, the game machine further including an **indicator** responsive to..., a **portable device** including a display for visually displaying results data representative of the result of the game, said **portable device** being **accommodatable** on a person..." the limitations as it is written in the claims are not supported / found in the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed

invention. Claim 1 recites "the game machine including a **photographing request input device**, the game machine further including an **indicator** responsive to..., a **portable device** including a display for visually displaying results data representative of the result of the game, said **portable device** being **accommodatable** on a person..." the limitations as it is written in the claims are not supported / found in the specification.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recite "said portable device being **accommodatable** on a person"; the examiner can not find the supported sections in the specification to understand the word "accommodatable", neither is the word found in the Merriam-Webster nor any other dictionary provided to the examiner. It is not understandable by the examiner what accommodatable entails in the claim. The applicant is respectfully requested to provide a copy/support of the definition of the word "accommodatable" in order for the examiner to understand the full meaning of the claim language.

Claim Objections

7. Claim 9 is objected to because of the following informalities: claim 9, line 2-3 states "(previously presented)" has no meaning in the claim and should be deleted.
Appropriate correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-4, 6, 8-18, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 2002/0196342 A1) in view of examiner's official notice.

The teachings of Walker have been previously discussed in the office action dated 6/12/2007.

The claim as best understood by the examiner is not explicitly taught by Walker, specifically walker does not explicitly teach the use of a portable device including a display for visually displaying result data representative of the result of the game, said portable device being *accommodatable* on a person of the player such that said display is visible within a field of the image of the player when said image is taken by said photographing apparatus. However, it is well known in the art that the player often gets their picture taken with a check with their winning amount and the game they were playing (attached strictly slots, November 2000). Also criminals would have their picture taken holding a display stating their name, information pertaining to their arrest and etc. It would have been prima facie obvious to have a player holding a display with their winning information to show their families that they have won, and also for the casino to advertise in the future on the outcome of specific game to attract more players to play that specific game. The use of a digital display device would have been obvious because with the growing technology in time, most of the analog devices used in previous years have

became digital. The product as provided is not of innovation but of ordinary skill and common sense. Therefore it would have been obvious to use a digital display device instead of a regular display sign.

Walker further discloses:

Re claim 2: A photographing system for displaying a result of a game according to claim 1, wherein the game machine has a function for outputting the contents of a game to an external recording medium; the display apparatus has a function for inputting the contents of the game recorded in the external recording medium; and the display apparatus displays a result of a predetermined game of the game machine through the external recording medium (§ 61, 96 and 116).

Re claim 3: a photographing system according to claim 1 or 2, wherein the game machine comprises a data output connector for outputting the result of the game externally of the game machine; and the display apparatus comprises a data collection connector that is connected to the connector of the game machine and inputs the result of the game output from the game machine (§ 61, 96 and 116).

Re claim 4: a photographing system for displaying a result of a game according to claim 1 or 2, wherein the game machine has a function for outputting the result of the game externally of the game machine by a radio system data transmission using visible light rays, infrared rays, or electromagnetic waves, and the display apparatus has a transmitted data collecting/receiving

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function for inputting the result of the game output from the game machine (§ 44, 46, 49, 61, 122 and 161).

Re claim 6: a photographing system for displaying a result of a game according to claim 1 or 2, wherein: the display apparatus comprises a manual setting mechanism; and at least a part of the result of the game displayed by the game machine is manually input to the display apparatus or the contents of the result of the game displayed by the game machine are manipulated by the manual setting mechanism, respectively (§ 93).

Re claim 8: a photographing system for displaying a result of a game according to claim 7, wherein said indicator is effective for calling a clerk in charge of photographing (§ 29, 153).

Re claim 9: a photographing system for displaying a result of a game according to claim 1 or 2, wherein the game machine displays that a change request input device also acts as said photographing request input device (§ 29, 30, 84 and 98).

Re claim 10: A photographing system for displaying a result of a game according to claim 1, wherein the game machine outputs a result of an immediately preceding game to an external recording medium by an operation for outputting the data to an external device (§ 61 and 174).

Re claim 11: a photographing system for displaying a result of a game according to claim 1 or 2, wherein: the game machine compares a game result with an immediately preceding game result;

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records a result of a game having high evaluation under a specific evaluating condition and outputs a result of a game that has obtained a maximum evaluation in a series of games externally of the game machine (§ 46 - 48).

Re claim 12: a photographing system for displaying a result of a game according to claim 1, wherein: the game machine automatically outputs the result of the game to control center of a game hall as well as comprises a device for requesting to feed back the result of the game automatically output to the intensive control unit to the game machine; and the data of the result of the game fed back through the game machine is output to the display apparatus (§ 44-49).

Re claim 13: a photographing system for displaying a result of a game according to claim 1 or 2, wherein: the display apparatus is of a hand-held type; and the player as a subject gets his or her photograph taken while holding the display apparatus showing the result of the game (§ 52-57).

Re claim 14: a photographing system for displaying a result of a game according to claim 1 or 2, wherein: the display apparatus is of a shoulder type so that said display apparatus can be directly fitted to the player as a subject (§ 52-57 and 169).

Re claim 15: a photographing system for displaying a result of a game according to claim 1 or 2, wherein: the display apparatus is built in the photographing apparatus; and the result of the game input to the display apparatus is displayed and recorded on an image recording medium in photographing (§ 52-57, 169 and 228).

Re claim 16: a photographing system for displaying a result of a game according to claim 15, wherein: the photographing apparatus comprises an instant camera; and a display on the light-emitting type data display surface of the display apparatus is printed to a film of the camera (§ 185).

Re claim 17: a photographing system for displaying a result of a game according to claim 15, wherein: the photographing apparatus comprises a digital camera having a CCD; and a display on the light-emitting type data display surface of the display apparatus is output to the CCD through a reduction lens (§ 228).

Re claim 18: Walker discloses a method of providing a service using a photographing system for displaying a result of a game arranged to take a photograph of at least a player of a game machine and the player playing a game with the game machine in one frame together with the result of the game, comprising: limiting a photographer to a clerk in charge of photographing who is admitted to execute photographing in a game hall; displaying at least one of a winning pattern, the amount of a prize, the amount of dropped money, a winning multiplication of contents of a game is displayed on the game machine or a display apparatus; and photographing the player and the game machine or the display apparatus, which displays the contents of the game, such that the player and the game machine or the display apparatus are photographed in one frame (discussed above and also § 23 and 174).

Re claim 22: Walker further discloses the game machine is arranged such that when a high evaluation is obtained under specific conditions of a high multiplication or a high score is achieved with respect to an amount of dropped money as a result of a game, a change request display, a photographing request display, or a photographing recommendation display is automatically operated, and the clerk in charge of photographing is called by the display which is operated (¶174).

Re claim 24: Walker further discloses a photographing fee is previously set to photographing; and when the photographing is executed, the photographing fee is directly asked to the player or drawn from money on deposit (¶192 and 193).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (2002/0196342A1) in view of Yagyu (US 6,037,922)

12. Re claim 5: Walker does not teach that the game machine comprises card communication check lamps disposed near an external recording medium insert slot, the display apparatus comprises a photoelectric conversion light-receiving connector for collecting data from the card communication check lamps; the photoelectric conversion light-receiving connector is insertable

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into and engageable with the external recording medium insertion slot; the card communication check lamps of the game machine are disposed in confrontation with a photoelectric conversion light receiving section of the photoelectric conversion light-receiving connector when inserted into the external recording medium insertion slot; and the data of the result of the game of the game machine is output to the display apparatus by light emitted by the card communication check lamps of the game machine by a predetermined protocol. Yagyu teaches of supplying light data carrying graduation data to the photoelectric conversion substance as to convert analog to digital signal. It would have been obvious to use different methods of transmitting data, such as hard-line, wireless, or photoelectric conversion as desired design choice.

13. Claims 7, 19, 20, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (2002/0196342A1) in view of Pike et al. (US 5,306,028) The teachings of Walker '342 have been discussed above.

Re claims 7, 19, 20, 21 and 23: Walker 342' did not disclose the photographing apparatus are mounted on a cart that is circulated by a clerk in charge in a hall in which game machines are installed. Neither does walker disclose that the clerk in charge of photographing is a clerk in charge of change money, and the change request device is used for requesting a clerk to take a photograph, or the clerk in charge of change confirm the request of a player before reaching the player.

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Pike teaches the use of a change cart for providing change to the players in the casino. In the background of Pike's specification, Pike states "It is common in gambling casinos for workers to circulate among players with change belts to keep the players supplied with coins, particularly for slot machines and the like. Heretofore, the coins were carried in heavy duty change belts which were of substantial weight when filled with coins. The weight of the change belts frequently caused back and leg pains, particularly when worn for a length of time." It would have been prima facie obvious to one of ordinary skill in the art that the clerk in charge of change are also casino employees as described by Walker in charge of capturing memorable moments when the player is staying at their casino. It is also common sense as Pike stated in the cited section above that when carrying heavy objects, the employee would most likely have back and leg pains. It would have been common sense for the clerk to put any photo equipment in the cart and take it out when needed. Walker further teaches that the player can actuate a button to request the employees to come over. It is well-known in the art that each of the machines in the casino have a change lamp where the players can actuate the lamp and request change. It would have been obvious to request the casino employee to capture a picture at the same time.

Response to Arguments

14. Applicant's arguments filed 12/17/2007 have been fully considered but they are not persuasive. In re to the argument provided by the applicant that Walker does not teach of an indicator responsive to a player operating a photographing request input device which indicates a request for recording an image of the player, Walker specifically teaches "the player himself may indicate that he is experiencing a potentially memorable event and wishes to have it documented

(e.g. by actuating a button)...” furthermore, the applicant has argued that Walker does not teach of a portable device including a display for visually displaying result data representative of the result of the game, wherein the portable device is accomodatable on a person of the player such that the display is visible within a field of the image of the player when an image is taken by said photographing apparatus. The limitation as claimed has been discussed above in the rejection and will not be repeated herein.

In re to applicant’s argument that the second Walker reference does not teach of a cart, a camera on the cart, a photographing request input device and portable device including a display for visually displaying result data representative of the result of the game provided in addition to the game machine itself. New rejection has been provided above for the rational for using a cart in the casino to provide the best experience to the players and therefore the arguments are moot.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KANG HU whose telephone number is (571)270-1344. The examiner can normally be reached on 8-5 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kang Hu/
Examiner, Art Unit 3714

/Ronald Laneau/
Supervisory Patent Examiner, Art Unit 3714
03/16/08